

105TH CONGRESS
1ST SESSION

S. 63

To amend certain Federal civil rights statutes to prevent the involuntary application of arbitration to claims that arise from unlawful employment discrimination based on race, color, religion, sex, national origin, age, or disability, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1997

Mr. FEINGOLD introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To amend certain Federal civil rights statutes to prevent the involuntary application of arbitration to claims that arise from unlawful employment discrimination based on race, color, religion, sex, national origin, age, or disability, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Civil Rights Proce-
5 dures Protection Act of 1997”.

1 **SEC. 2. AMENDMENT TO TITLE VII OF THE CIVIL RIGHTS**
 2 **ACT OF 1964.**

3 Title VII of the Civil Rights Act of 1964 (42 U.S.C.
 4 2000e et seq.) is amended by adding at the end the follow-
 5 ing new section:

6 “EXCLUSIVITY OF POWERS AND PROCEDURES

7 “SEC. 719. Notwithstanding any Federal statute of
 8 general applicability that would modify any of the powers
 9 and procedures expressly applicable to a claim arising
 10 under this title, such powers and procedures shall be the
 11 exclusive powers and procedures applicable to such claim
 12 unless after such claim arises the claimant voluntarily en-
 13 ters into an agreement to resolve such claim through arbi-
 14 tration or another procedure.”.

15 **SEC. 3. AMENDMENT TO THE AGE DISCRIMINATION IN EM-**
 16 **PLOYMENT ACT OF 1967.**

17 The Age Discrimination in Employment Act of 1967
 18 (29 U.S.C. 621 et seq.) is amended—

19 (1) by redesignating sections 16 and 17 as sec-
 20 tions 17 and 18, respectively; and

21 (2) by inserting after section 15 the following
 22 new section 16:

23 “EXCLUSIVITY OF POWERS AND PROCEDURES

24 “SEC. 16. Notwithstanding any Federal statute of
 25 general applicability that would modify any of the powers
 26 and procedures expressly applicable to a right or claim

1 arising under this Act, such powers and procedures shall
 2 be the exclusive powers and procedures applicable to such
 3 right or such claim unless after such right or such claim
 4 arises the claimant voluntarily enters into an agreement
 5 to resolve such right or such claim through arbitration or
 6 another procedure.”.

7 **SEC. 4. AMENDMENT TO THE REHABILITATION ACT OF**
 8 **1973.**

9 Section 505 of the Rehabilitation Act of 1973 (29
 10 U.S.C. 795) is amended by adding at the end the following
 11 new subsection:

12 “(c) Notwithstanding any Federal statute of general
 13 applicability that would modify any of the procedures ex-
 14 pressly applicable to a claim based on right under section
 15 501, such procedures shall be the exclusive procedures ap-
 16 plicable to such claim unless after such claim arises the
 17 claimant voluntarily enters into an agreement to resolve
 18 such claim through arbitration or another procedure.”.

19 **SEC. 5. AMENDMENT TO THE AMERICANS WITH DISABIL-**
 20 **ITIES ACT OF 1990.**

21 Section 107 of the Americans with Disabilities Act
 22 of 1990 (42 U.S.C. 12117) is amended by adding at the
 23 end the following new subsection:

24 “(c) Notwithstanding any Federal statute of general
 25 applicability that would modify any of the powers and pro-

cedures expressly applicable to a claim based on a violation described in subsection (a), such powers and procedures shall be the exclusive powers and procedures applicable to such claim unless after such claim arises the claimant voluntarily enters into an agreement to resolve such claim through arbitration or another procedure.”.

**SEC. 6. AMENDMENT TO SECTION 1977 OF THE REVISED
STATUTES OF THE UNITED STATES.**

Section 1977 of the Revised Statutes (42 U.S.C. 1981) is amended by adding at the end the following new subsection:

“(d) Notwithstanding any Federal statute of general applicability that would modify any of the procedures expressly applicable to a right to make and enforce a contract of employment under this section, such procedures shall be the exclusive procedures applicable to a claim based on such right unless after such claim arises the claimant voluntarily enters into an agreement to resolve such claim through arbitration or another procedure.”.

**SEC. 7. AMENDMENT TO THE EQUAL PAY REQUIREMENT
UNDER THE FAIR LABOR STANDARDS ACT OF
1938.**

Section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)) is amended by adding at the end the following new paragraph:

1 “(5) Notwithstanding any Federal statute of general
 2 applicability that would modify any of the powers or proce-
 3 dures expressly applicable to a claim based on violation
 4 of this subsection, such powers and procedures shall be
 5 the exclusive procedures applicable to such claim unless
 6 after such claim arises the claimant voluntarily enters into
 7 an agreement to resolve such claim through arbitration or
 8 another procedure.”.

9 **SEC. 8. AMENDMENT TO THE FAMILY AND MEDICAL LEAVE**

10 **ACT OF 1993.**

11 Title IV of the Family and Medical Leave Act of
 12 1993 (29 U.S.C. 2601 et seq.) is amended by adding at
 13 the end the following new section:

14 **“SEC. 406. EXCLUSIVITY OF REMEDIES.**

15 “Notwithstanding any Federal statute of general ap-
 16 plicability that would modify any of the procedures ex-
 17 pressly applicable to a claim based on a right provided
 18 under this Act or under an amendment made by this Act,
 19 such procedures shall be the exclusive procedures applica-
 20 ble to such claim unless after such claim arises the claim-
 21 ant voluntarily enters into an agreement to resolve such
 22 claim through arbitration or another procedure.”.

1 **SEC. 9. AMENDMENT TO TITLE 9 OF THE UNITED STATES**

2 **CODE.**

3 Section 14 of title 9, United States Code, is amend-
4 ed—

5 (1) by inserting “(a)” before “This”; and

6 (2) by adding at the end the following new sub-
7 section:

8 “(b) This chapter shall not apply with respect to a
9 claim of unlawful discrimination in employment if such
10 claim arises from discrimination based on race, color, reli-
11 gion, sex, national origin, age, or disability.”.

12 **SEC. 10. APPLICATION OF AMENDMENTS.**

13 The amendments made by this Act shall apply with
14 respect to claims arising on and after the date of the en-
15 actment of this Act.

○